

Call to Order

The meeting was called to order at 6:00PM by Mrs. Peters.

Members Present: Vickie Peters, Trent Pohlar, and Josh King. Members attended in-person with the option to use Zoom.

Also in Attendance: Planning Director Dale Davis, Senior Planner Ed Ferguson, Building Commissioner Kenneth Seal, City Attorney Shawna Koons, Recording Secretary Stevie Jarrett, and Greenwood IT Department.

Approval of Meeting Minutes

Mr. Pohlar moved to approve the minutes from February 14, 2022 seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Special Requests/Continuances

None.

Findings of Fact

BZA2022-002 Development Standards Variance 813 W Oakwood Drive

Mr. King moved to adopt the written Findings of Fact as presented, incorporating the evidence submitted into the record, as the final decision and final action for Variance Petition Number, seconded by Mr. Pohlar. Vote: Ayes:, Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Old Business

None.

New Business

- A. **BZA2022-001 Development Standards Variance, (Revised Request)**, Larry D. Siegler (The Peterson Company. LLC) on behalf of Shear GW5. LLC at 685 N Graham Road, Greenwood, IN 46143 (parcel 41-02-26-033-005.000-030). Petitioner requests a reduction of the requirement to have loading facilities at least two-hundred feet (200') away from a residential property to one-hundred and twenty feet (120') for the construction of loading facilities along the south property line, loading facilities are to be facing east. Greenwood Municipal Section Sec. 10-03-03. Commercial Off-Street Loading Facilities. B.2.

The public hearing was opened.

Larry Siegler, 7233 Zionsville Road, Indianapolis, was administered the oath.

Mr. Siegler had presented this request to the BZA a few months ago and has since then met with local neighbors and readapted the proposal. Mr. Siegler appeared again to reduce the setbacks of 200' feet to 120' feet.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, or general welfare of the community because:

The variance allows for the design and development of an industrial building that is complementary to the surrounding buildings in Greenwood of similar industrial style.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The current tract is undeveloped, and the proposed improvements would be in keeping with similar industrial buildings in the surrounding area. The building meets the minimum required setbacks and additional screening measures will be installed. The buffer, screening and a sound deadening wall will be utilized so the neighbors will not be adversely impacted. An agreement with the neighbors is attached to this petition.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The proposed building is designed for flexibility to be divided into up to 8 smaller tenants with all having the option to have loading docks in the rear. The removal of eighty feet of loading dock on the south side of the building will result in practical difficulties to lease the south unit of the building. Based on the current leasing rates for this type of space all units need to be occupied to make financial sense.

4. The structure is or is not regulated under Indiana Code 8-21-10-3 for hazard air navigation:

Will comply with all ordinances concerning listed numbers.

Dale Davis, City of Greenwood, was administered the oath.

Mr. Davis explained this property is unique in its shape. It is a peninsula of commercial properties between residential areas. Three sides of the property face residential. The petitioner has met with the neighbors and addressed their issues. Mr. Davis explained there are 10 commitments in the staff report. Staff recommends approval.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order. Ms. Koons confirmed a certified copy of the UDO was in the file as well as the Comprehensive Plan.

Mr. Pohlar moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. Pohlar moved to approve with the 10 conditions listed in the staff report, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. King moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2022-001 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Pohlar. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

- B. BZA2022-003 Use Variance,** Petitioner Mark Henrichs requests approval of a use variance in order to operate a personal care and beauty service salon at 205 S. Madison Avenue, Suite 203. The proposed salon will operate on the second floor of the building. Salons are not a permitted use in the OT Old Town zone.

The public hearing was opened.

Katie Henrichs, 205 S Madison Avenue, was administered the oath.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The inclusion of a salon within the Old Town zone will only promote a positive reflection of the community and add to its vitalization. A salon will not pose any public health or safety concerns as the small business owners will meet or exceed all regulations for a full-service salon. The salon will uphold the morals of the community by promoting positive self-images of its clients and focusing on the sanctity of marriage with a focus on brides and wedding preparation. The general welfare of the community will only see a positive impact as well with an additional option for

health and beauty. A salon will increase economic activity in the area and will connect to other local businesses that focus in the hospitality and wedding industry, such as local venues. A salon with these focuses will draw in a new clientele for the area and may boost sales in the various venues, restaurants, and retail stores in Old Town.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The salon will only positively impact adjacent property owners by attracting new clientele to the area that may increase foot traffic and economic activity to corresponding businesses and restaurants. The salon will be small, therefore will not attract large groups at a time to minimize congestion in the area and parking is provided on the property, therefore it will not impact parking for the local business owners and their patrons.

3. The need for the variance arises from some condition peculiar to the property involved, because:

The current zoning does not allow for personal health and beauty businesses. The allowance for this variance would allow for a salon, which is a new upscale, small business to open that aligns with the vision for the revitalization of the area.

4. The strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the variance is sought, because :

The owners of the business will not be able to open and will be forced to look elsewhere for a space that lies outside of Old Town Greenwood, taking its clients to another area. This particular salon focuses on wedding preparation and will have strong ties with the new Folktale Event Center opening at 243 S. Madison Avenue. This salon could drive new business to other local businesses in the area and this particular industry including venues, catering businesses, and bars/restaurants.

5. The approval does not interfere substantially with the Comprehensive Plan, because:

The salon business would only add to the revitalization of Old Town Greenwood and bring new patrons and economic activity to the area. The business will draw attention to those seeking a new health and beauty option, and/or future brides that may then discover all the other options that the area possesses in the wedding industry.

Staff Summary and Proposed Conditions:

The proposed salon will operate within a multi-tenant building. Visibility will be limited to wall or window signage on the building. Customers typically arrive individually or in small groups. Impact should be minimal.

Staff has no objections to petitioner's statements of reasons. Staff recommends approval.

Dale Davis, City of Greenwood, was administered the oath.

Mr. Davis explained that the reason salons aren't allowed in Old Town Greenwood comes down to parking and foot traffic. This particular salon is complimentary use to other businesses and parking will be shared. Staff does support this variance.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order. Ms. Koons confirmed a certified copy of the UDO was in the file as well as the Comprehensive Plan.

Mr. Pohlar moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. Pohlar moved to approve the request with the conditions listed, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. King moved that to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2022-003 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Pohlar. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

- C. BZA2022-004 Development Standards Variance, (Revised Request), Scott A & Christine R. Roeder at 1295 W. Stones Crossing Rd. Petitioners are requesting a variance to build an accessory structure that exceeds 150 percent of the primary structure. Maximum allowed by ordinance for this property is 2,857 square feet. Petitioner is requesting an additional 815 square feet more than ordinance allows. Sec. 10-03-13, Accessory Uses and Structures, C. Accessory Structures, 7.**

The public hearing was opened.

Scott Roeder, 1295 W Stones Crossing Road, was administered the oath.

Mr. Roeder had presented this variance to BZA in November 2021. At the time, the requested building was 4,800 square feet. The Board denied this request. This new variance would allow a 3,600 square foot accessory building. Mrs. Roeder is a dog trainer for dog sports.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

The accessory building will be for the private use of my wife and myself, located approximately 325 feet back from Stones Crossing Road and will not be open to use by the general public or community.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This accessory building will be similar to other sheds and barns in the neighborhood. A new, well constructed accessory building will increase the value of our property and that could raise the value of other properties in the adjacent area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The allowable size of an accessory building for our property is 2,857 enclosed square feet, this will be a building of about 50 feet by 57 feet. The variance is requesting a building of 51 feet by 72 feet for reasons of construction economics. Buildings built on multiples of 8-foot lengths and 3-foot widths are less expensive.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

Not applicable.

Dale Davis, City of Greenwood, was administered the oath.

Mr. Davis explained that the accessory structure is more prominent than the primary structure. Accessory structures have been increasing in size. Staff does not recommend approval. If approved, Staff recommends a condition that the business not be used for business purposes.

Staff received a letter from the Cobblestone HOA. Mr. Ferguson read the remonstrator letter. A copy of the letter is attached to the minutes.

Mr. Roeder explained that the original size wasn't going to be allowed. He stated this will be the smallest building he will build. If this variance gets denied, he will sell his property and move to another community. He explained that there will be no commercial impact.

The public hearing was closed.

Mr. Pohlar asked Mr. Davis about commercial uses as a condition.

Mr. Ferguson asked Ms. Koons about whether it should be a condition or a commitment. Ms. Koons recommended that it be a commitment as it runs with the building.

Mrs. Peters asked Mr. Roeder about the training of the dogs. Mr. Roeder owns three dogs. Mrs. Roeder will not be able to train other dogs. It would be for personal use only.

Mr. Ferguson confirmed that all notices were in order. Ms. Koons confirmed a certified copy of the UDO was in the file as well as the Comprehensive Plan.

Mr. Pohlar moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Zoning Ordinance and Comprehensive Plan, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. Pohlar moved to approve the request with the commitment that this building can be used for personal use even if the building is sold, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. King moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2022-004 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Pohlar. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

D. BZA2022-005 Development Standards Variance, Asher Collins (Big Guy Signs) on behalf of Bachman Family Dentistry at 980 E Main St. Petitioner is requesting relief from Greenwood Municipal Code Sec. 10-03-08. Signage. L. Menu of On-Premises Signs Allowed by Permit.2. On Premises Sign Menu: Building Signs, MONUMENT SIGN: Dimensions: Minimum sign face surround width: 1 foot. to reduce the width of the boarder surrounding the sign face from the required one (1) foot to zero (0) on two sides of the sign face.

The public hearing was opened.

Asher Collins, 7057 Halifax Court, Avon, was administered the oath.

Mr. Collins requests a sign variance for Bachman Family Dentistry. Having a one foot border around all sides would make the sign less attractive. The proposed design gives the sign a modern look.

PETITIONER'S DETAILED STATEMENTS OF REASONS

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because:

Signage described falls within the parameters of safety regulations and will cause no visual obstructions.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

It will provide increased visibility of the property and the adjacent drive.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

It will directly affect the structure of the sign, which would cause a decrease in durability and an increase in size.

4. The structure is/is not regulated under Indiana Code 8-21-10-3 for hazard air navigation.

Not applicable.

Comments and Findings:

None.

Summary and Proposed Conditions:

Staff has no objections to the petitioner's statements of reasons. Staff recommends approval the request with the following conditions:

1. The monument sign shall be located at the far north end of the entrance/exit median as shown in the exhibit submitted with this petition.
2. The monument sign shall substantially conform to the size, height, and style of the exhibit submitted with this petition.

Dale Davis, City of Greenwood, was administered the oath.

Staff supports this petition.

The public hearing was closed.

Mr. Ferguson confirmed that all notices were in order. Ms. Koons confirmed a certified copy of the UDO was in the file as well as the Comprehensive Plan.

Mr. Pohlar moved to admit all the evidence presented in regard to this matter, including the notices, receipts, maps, photographs, written documents, Petitioner's application and attachments, Petitioner's Detailed Statement of Reasons, the Staff Report prepared by the Planning Department, certified copies of the Unified Development Ordinance, testimony of the Petitioner, City planning staff and any Remonstrators, and all other exhibits presented, be they oral or written, for consideration by this Board in regard to this petition, and to include the testimony of those present this evening, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Mr. Pohlar moved to approve with the two staff conditions listed, seconded by Mr. King. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

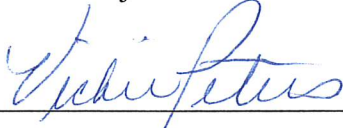
Mr. King moved to direct the Corporation Counsel's Office to draft written Findings of Fact, regarding our decision on the variance request presented in Variance Petition Number BZA2022-005 said Findings to specifically incorporate the staff report and the evidence submitted into the record, for consideration and adoption by the Board of Zoning Appeals as the final decision and final action regarding this Petition at the next meeting, seconded by Mr. Pohlar. Vote: Ayes: Mrs. Peters, Mr. Pohlar, and Mr. King (3-0). **MOTION CARRIES.**

Announcements

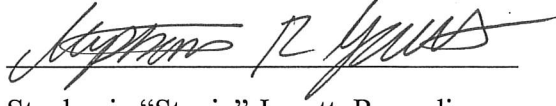
Mr. Pohlar will not be in attendance on March 14.

Adjournment

Mrs. Peters adjourned the meeting at 6:50PM.



Vickie Peters, Vice President



Stephanie "Stevie" Jarrett, Recording
Secretary